

House File 301 - Introduced

HOUSE FILE 301

BY DIEKEN

A BILL FOR

1 An Act concerning penalties relating to drug paraphernalia and
2 certain traffic offenses, providing penalties, and making
3 penalties applicable.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 124.414, subsection 3, Code 2023, is
2 amended to read as follows:

3 3. A person who violates this section commits a simple
4 misdemeanor punishable as a scheduled violation under section
5 805.8C.

6 Sec. 2. Section 321.277, subsection 1, Code 2023, is amended
7 to read as follows:

8 1. A person who drives any vehicle in such manner as to
9 indicate either a willful or a wanton disregard for the safety
10 of persons or property is guilty of reckless driving. It shall
11 be prima facie evidence of a violation of this section if a
12 person does any of the following:

13 a. Exceeds the posted speed limit by thirty-five miles per
14 hour or more.

15 b. Violates section 321.304, subsection 1.

16 Sec. 3. Section 321.323A, subsection 1, Code 2023, is
17 amended to read as follows:

18 1. The operator of a motor vehicle approaching a stationary
19 or slow-moving authorized emergency vehicle, towing or recovery
20 vehicle, utility maintenance vehicle, municipal maintenance
21 vehicle, highway maintenance vehicle, construction vehicle, or
22 solid waste or recycling collection service vehicle that is
23 displaying flashing lights, as permitted under section 321.423,
24 or a stationary motor vehicle that is continually displaying
25 emergency signal lamps flashing simultaneously, shall approach
26 the ~~authorized emergency~~ vehicle with due caution and shall
27 proceed in one of the following manners, absent any other
28 direction by a peace officer:

29 a. Make a lane change into a lane not adjacent to the
30 ~~authorized emergency~~ vehicle if possible in the existing safety
31 and traffic conditions.

32 b. If a lane change under paragraph "a" would be impossible,
33 prohibited by law, or unsafe, reduce the speed of the motor
34 vehicle to a reasonable and proper speed for the existing
35 road and traffic conditions, which speed shall be at least

1 twenty miles per hour less than the posted speed limit, and be
2 prepared to stop.

3 Sec. 4. Section 321.323A, subsection 2, Code 2023, is
4 amended by striking the subsection and inserting in lieu
5 thereof the following:

6 2. For purposes of this section, "*slow-moving*" means that a
7 vehicle described in subsection 1 is being operated at a speed
8 of fifteen miles per hour or less by a person in connection
9 with the person's official job duties on, along, or adjacent
10 to the roadway.

11 Sec. 5. Section 321.323A, subsection 3, Code 2023, is
12 amended by striking the subsection.

13 Sec. 6. Section 321.323A, subsection 4, paragraph a, Code
14 2023, is amended to read as follows:

15 a. A person convicted of a violation of [this section](#) commits
16 a simple misdemeanor punishable as a scheduled violation under
17 section [805.8A, subsection 11 11A](#).

18 Sec. 7. Section 321.323A, subsection 4, paragraph b,
19 unnumbered paragraph 1, Code 2023, is amended to read as
20 follows:

21 A person convicted of a violation of [this section](#) which
22 resulted in an accident causing bodily injury to or the death
23 of another person may be subject to the following penalties
24 in addition to the penalty provided for a scheduled violation
25 in [section 805.8A, subsection 11 11A](#), or any other penalty
26 provided by law:

27 Sec. 8. Section 321A.17, subsection 4, Code 2023, is amended
28 to read as follows:

29 4. An individual applying for a driver's license following a
30 period of suspension or revocation pursuant to a dispositional
31 order issued under [section 232.52, subsection 2](#), paragraph
32 "a", or under [section 321.180B](#), section 321.210, subsection
33 1, paragraph "a", subparagraph (4), or [section 321.210A](#),
34 [321.213A](#), [321.213B](#), [321.216B](#), or [321.513](#), following a period
35 of suspension or revocation under [section 321.178](#) or [321.194](#),

1 or section 321.372, subsection 3, or following a period of
2 revocation pursuant to a court order issued under section
3 321J.2A, is not required to maintain proof of financial
4 responsibility under this section.

5 Sec. 9. Section 805.8A, subsection 3, paragraph ai, Code
6 2023, is amended to read as follows:

7 *ai.* Section 321.438..... \$ ~~70~~ 35.

8 Sec. 10. Section 805.8A, subsection 5, paragraph a,
9 subparagraph (5), Code 2023, is amended to read as follows:

10 (5) One hundred thirty-five dollars plus ~~five~~ ten dollars
11 for each mile per hour of excessive speed over twenty miles per
12 hour over the limit.

13 Sec. 11. Section 805.8A, subsection 5, Code 2023, is amended
14 by adding the following new paragraph:

15 NEW PARAGRAPH. *0d.* For a violation of section 321.285 that
16 does not involve driving a motor vehicle on a highway in excess
17 of a posted speed limit, the scheduled fine is one hundred
18 thirty-five dollars.

19 Sec. 12. Section 805.8A, subsection 11, paragraph a,
20 subparagraph (2), Code 2023, is amended by striking the
21 subparagraph.

22 Sec. 13. Section 805.8A, subsection 11, paragraph b, Code
23 2023, is amended by striking the paragraph.

24 Sec. 14. Section 805.8A, Code 2023, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 11A. *Violations relating to approach of*
27 *stationary or slow-moving vehicles.* For violations of section
28 321.323A, the scheduled fine is one hundred thirty-five
29 dollars.

30 Sec. 15. Section 805.8A, subsection 14, paragraph c,
31 subparagraph (1), Code 2023, is amended to read as follows:

32 (1) For a violation under section 321.445, the scheduled
33 fine is ~~seventy~~ fifty dollars.

34 Sec. 16. Section 805.8C, Code 2023, is amended by adding the
35 following new subsection:

1 NEW SUBSECTION. 3A. *Drug paraphernalia violations.* For
2 violations of section 124.414, the scheduled fine is two
3 hundred sixty dollars.

4 EXPLANATION

5 The inclusion of this explanation does not constitute agreement with
6 the explanation's substance by the members of the general assembly.

7 This bill concerns penalties for certain violations of Code
8 chapters 124 (controlled substances) and 321 (motor vehicles
9 and law of the road).

10 Under current law, a person who knowingly or intentionally
11 manufactures, delivers, sells, or possesses drug paraphernalia
12 commits a simple misdemeanor. A simple misdemeanor is
13 punishable by confinement for no more than 30 days and a fine
14 of at least \$105 but not more than \$855. The bill instead makes
15 the violation a simple misdemeanor punishable as a scheduled
16 violation resulting in a fine of \$260.

17 The bill provides that (1) exceeding the posted speed limit
18 by 35 miles per hour (MPH) or more or (2) overtaking and
19 passing another vehicle when approaching the crest of a grade
20 or upon a curve in the highway where the driver's view along
21 the highway is obstructed for a distance of approximately 700
22 feet, in violation of Code section 321.304(1), is prima facie
23 evidence of reckless driving. A person convicted of reckless
24 driving is guilty of a simple misdemeanor. By operation of
25 law, a person who commits reckless driving, including as
26 described in the bill, commits a class "C" felony if the person
27 unintentionally causes the death of another. A person who
28 commits reckless driving and unintentionally causes a serious
29 injury commits a class "D" felony. A class "C" felony is
30 punishable by confinement for no more than 10 years and a fine
31 of at least \$1,370 but not more than \$13,660. A class "D"
32 felony is punishable by confinement for no more than five years
33 and a fine of at least \$1,025 but not more than \$10,245.

34 Under current law, Code section 321.323A requires the
35 operator of a motor vehicle approaching a stationary authorized

1 emergency vehicle, towing or recovery vehicle, utility
2 maintenance vehicle, municipal maintenance vehicle, highway
3 maintenance vehicle, construction vehicle, or solid waste
4 or recycling collection service vehicle that is displaying
5 flashing lights to approach the vehicle with due caution and
6 make a lane change into a lane not adjacent to the vehicle if
7 possible in the existing safety and traffic conditions, or
8 if a lane change would be impossible, prohibited by law, or
9 unsafe, reduce the speed of the motor vehicle to a reasonable
10 and proper speed for the existing road and traffic conditions,
11 which speed must be less than the posted speed limit, and be
12 prepared to stop. The bill applies these requirements when
13 approaching slow-moving (15 MPH or less) vehicles described in
14 the bill and requires the operator of a motor vehicle to reduce
15 the speed of the motor vehicle to a speed at least 20 MPH less
16 than the posted speed limit if the operator does not change
17 lanes. The bill makes organizational changes to Code section
18 321.323A and its corresponding penalty provisions.

19 A violation of Code section 321.323A is a simple misdemeanor
20 punishable by a scheduled fine of \$135. By operation of law,
21 a person convicted of a violation of Code section 321.323A
22 which resulted in an accident causing bodily injury to or the
23 death of another person may be subject to additional penalties
24 including a fine of \$500 for a violation causing bodily injury
25 to another person and a fine of \$1,000 for a violation causing
26 death. The department of transportation (DOT) is required to
27 suspend the driver's license of a person who is convicted of
28 violating Code section 321.323A for 90 days if the violation
29 caused damage to the property of another person; 180 days if
30 the violation caused bodily injury to another person; and one
31 year if the violation caused death.

32 Under current law, the DOT is authorized to establish rules
33 for the suspension of the driver's license of an operator
34 who committed a serious violation of the motor vehicle laws
35 of this state (Code section 321.210(1)(a)(6)). Pursuant to

1 rules adopted by the DOT, a person who fails to reduce the
2 vehicle's speed or stop the vehicle when meeting a school bus
3 discharging pupils, or slowing to be ready to discharge pupils,
4 commits a serious violation (Code section 321.372(3) and 761
5 IAC 615.17(d)). A person whose license is suspended or revoked
6 by the DOT following a conviction or a forfeiture of bail is
7 required to give proof of financial responsibility (SR-22)
8 with respect to all motor vehicles registered by the person
9 (Code section 321A.17 and 761 IAC 640.6). The bill provides an
10 exception for persons who violate Code section 321.372(3).

11 The bill reduces the scheduled fine for a violation of Code
12 section 321.438 (windshields and windows) from \$70 to \$35.

13 The bill increases from \$5 to \$10 the fine for violating
14 a posted speed limit for each MPH over 20 MPH in excess
15 of the limit. The bill makes a violation of Code section
16 321.285 (speed restrictions) that does not involve driving a
17 motor vehicle on a highway in excess of a posted speed limit
18 punishable by a scheduled fine of \$135. Such violations
19 include a failure to drive at a careful and prudent speed not
20 greater than nor less than is reasonable and proper, with due
21 regard to the traffic, surface, and width of the highway and of
22 any other conditions then existing, and a failure to drive any
23 vehicle upon a highway at a speed greater than will permit the
24 person to bring the vehicle to a stop within the assured clear
25 distance.

26 The bill reduces the scheduled fine for a violation under
27 Code section 321.445 (safety belts and safety harnesses — use
28 required) from \$70 to \$50.